

Appl. No. : 10/059,580
Filed : January 28, 2002

REMARKS

Claims 1, 3-5, 7-18, and 20-31 were pending in the application. By this paper, Applicant has canceled Claims 1, 3-5, 7-18, 20-27 and 30 without prejudice, and added new Claims 32-51. Accordingly, Claims 28-29 and 31-51 are presented herein for examination.

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Allowed Subject Matter

Claims 28 and 31 stand allowed per Par. 11 of the Office Action.

Objected-to and New Claims

10 Per Par. 12 of the Office Action, Claims 9 and 10 were objected to, but would be allowable if rewritten in independent form to include the base claim and all intervening claims.

By this paper, Applicant has added new independent Claim 39, which corresponds generally to prior (objected-to) Claim 9. Applicant submits that this new Claim 39 overcomes the Examiner's objections, and is in condition for allowance.

15 New independent Claims 37, 44 and 45 correspond generally to the subject matter of allowed Claim 28.

New independent Claims 34 and 49 correspond generally to the subject matter of allowed Claim 31.

20 All new dependent claims are fully supported by the specification as filed, and add no new matter.

§112 Rejections

By this paper, Claims 11-14 and 26-27 have been cancelled without prejudice, thereby render the Examiner's Section 112 rejections moot.

25 With respect to dependent Claim 29, Applicant respectfully traverses the rejection. Specifically, Claim 28 (allowed) recites in relevant part:

"28. A method of conditioning light energy in an optical communication system, comprising:

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...

wherein said act of selectively irradiating comprises controlling the application of said second radiation to said atomic medium based on receiving input from said communication system; and...” {Emphasis added}

5 Claim 29 recites:

“29. The method of Claim 28, wherein said act of receiving input comprises receiving information relating to the dispersion of said at least portion of said first radiation.” {Emphasis added}

10 Applicant submits that there is clear antecedent basis for the limitation of Claim 29 in Claim 28, from which Claim 29 directly depends. Therefore, Applicant requests that the Section 112 rejection of Claim 29 be withdrawn, and Claim 29 allowed.

§103 Rejections

15 Applicant has herein cancelled all Claims rejected under Section 103 without prejudice, thereby rendering these rejections moot.

Other Remarks

20 Applicant submits that all claims are now in condition for allowance, and requests that the Examiner pass this case to issuance at the earliest opportunity.

Applicant hereby specifically reserves the right to appeal (including Pre-Appeal Brief under the Pilot Program), and to prosecute claims of different or broader scope in a continuation or divisional application.

25 Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention and responding to the aforementioned restriction election, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant’s position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based
30 on such claim cancellations or additions.

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Furthermore, any remarks made with respect to a specific claim or claims shall apply only to such claim or claims.

If the Examiner has any questions or comments that may be resolved over the telephone, he/she is requested to call the undersigned at (858) 675-1670.

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Respectfully submitted,

GAZDZINSKI & ASSOCIATES

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By: 

Robert F. Gazdzinski
Registration No. 39,990
11440 West Bernardo Court, Suite 375
San Diego, CA 92127
Telephone No.: (858) 675-1670
Facsimile No.: (858) 675-1674

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